BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

GLADYS F. MURRAY)
Claimant)
VS.)
) Docket No. 186,655
THE BOEING COMPANY)
Respondent)
AND	
)
AETNA CASUALTY & SURETY)
Insurance Carrier)

ORDER

Claimant appeals from a preliminary hearing Order entered by Administrative Law Judge Jon L. Frobish. The Order, dated August 7, 1997, denied claimant's request for medical treatment. Claimant filed a timely appeal on August 11, 1997.

ISSUES

The sole issue on appeal is whether the Administrative Law Judge erred in his finding that claimant has not met her burden of proving she suffered an injury arising out of and in the course of her employment.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record and considering the arguments, the Appeals Board concludes that the Order by the Administrative Law Judge should be affirmed.

Claimant testified that in late December 1991 she began having problems with her neck. She also testified that her neck bothered her when she was required to get into an odd position. Claimant reported the problem, and Boeing provided heat treatments to her neck. Claimant has also undergone chiropractic treatment. On September 5, 1996,

claimant underwent an MRI at the direction of her family physician because of complaints claimant had difficulty swallowing. The report from the MRI examination revealed significant osteophytes at C4-5 and 5-6 which indent the wall of the esophagus.

The record contains no medical opinion regarding the cause of claimant's neck difficulties. The Board does not consider claimant's own testimony sufficient, under the particular facts of this case, to carry the burden of establishing that she suffered an injury arising out of and in the course of her employment. The Board, therefore, affirms the conclusion by the Administrative Law Judge to deny the requested benefits.

WHEREFORE, the Appeals Board finds that the Order by Administrative Law Judge Jon L. Frobish, dated August 7, 1997, should be, and the same is hereby, affirmed.

II IS SO ORDERED.
Dated this day of September 1997.
BOARD MEMBER

c: Michael L. Snider, Wichita, KS Vaughn Burkholder, Wichita, KS Jon L. Frobish, Administrative Law Judge Philip S. Harness, Director